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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,006	02/02/2000	David R. Dempski	LUC-560	6965

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SUITE 230  
DURHAM,, NC 27713

EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 09/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka et al., US Pat. No. 6,366,298 B1, in view of Robinson, US Pat. No. 5,918,014.

3. As to claim 1, Haitsuka teaches a method for using a computer to gather information of an end user's visits to web pages and a duration of each visit (see Haitsuka, Summary and col. 5, line 23 – col. 6, line 3 and col. 6, line 34-45), the method comprising the steps of:

(a) monitoring the web pages the end user visits (see Haitsuka, col. 5, lines 23-43);

(b) recording the duration of each visit monitored in said step (a) (see Haitsuka, col. 2, lines 51-67 and col. 5, line 23 – col. 6, line 61);

(c) saving information recorded in said step (b) in the end user's computer (Haitsuka, col. 5, lines 23-43 and col. 8, line 6 – col. 9, line 62); and

(d) uploading saved information upon selective operation by the end user from the end user's computer to a data processing computer, the information saved to the end user's computer







Art Unit: 2141

end user for its user identification code or user name; inputting the end user information on the end user's computer; and uploading the user identification code and the saved information to a data processing computer without receiving any information from the data processing computer to be displayed to the end user (Davis, col. 1, line 16 – col. 3, line 67 and col. 4, line 3 – col. 5, line 56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the method of saving and uploading information at predetermined times, as taught by Davis, into the system of Haitzuka-Robinson-Kunzinger for the purpose of reducing network traffic and latency.

11. As to claim 11, Haitzuka-Robinson-Kunzinger-Davis teach wherein monitored information is paired with an end user's identification code (Haitzuka, col. 6, lines 4-61; and Davis, col. 1, line 16 – col. 3, line 67 and col. 4, line 3 – col. 5, line 56).

12. As to claims 12 and 13, Haitzuka-Robinson-Kunzinger-Davis teach the computer wherein the processor passively monitors TCP/IP stack protocol or monitors the web browser cache to retrieve the monitored information (Davis, col. 1, line 16 – col. 3, line 67 and col. 4, line 3 – col. 5, line 56).

13. Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitzuka-Robinson-Kunzinger-Davis and further in view of Thomas., US Pat. No. 6,128,663.

Art Unit: 2141

14. As to claim 14, Haitsuka-Robinson-Kunzinger-Davis teach the invention substantially as claimed. However, Haitsuka-Robinson-Kunzinger-Davis do not explicitly teach the computer wherein the monitored information is compressed and encrypted before being uploaded. In the same field of endeavor, Thomas teaches encrypting and compressing demographic information (See Thomas, col. 11, line 18 – col. 12, line 22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the encryption and compression as taught by Thomas into the system of Haitsuka-Robinson-Kunzinger-Davis for the purpose of enhancing security features to prevent dissemination of private information.

15. Claims 10, 15-18, and 20-22 are a combination of the method steps of claims 1-9 and 11-14, and have similar limitations, except in method steps; therefore, claims 10, 15-18, and 20-22 are rejected under the same rationale.

16. As to claim 19, Haitsuka-Robinson-Kunzinger-Davis-Thomas teach the invention substantially as claimed. Haitsuka-Robinson-Kunzinger teach a method wherein the demographic data comprises the end user's age, sex, and address, among others (see Haitsuka, col. 5, line 59 – col. 6, line 3). However, Haitsuka-Robinson-Kunzinger-Davis-Thomas does not explicitly teach that the demographic data additionally comprises of ethnicity, nationality and physical disability.

Official Notice is taken (MPEP 2144.03) that demographic data such as ethnicity, nationality and physical disability were well known in the art at the time the invention was made. As exemplified by Shuman et al., US Pat. No. 6,161,071, Sutcliffe et al, US Pat. No. 6,249,282



Art Unit: 2141

B1, and Sone, US Pat. App. Pub. No. US 2002/0035560 A1, cited as relevant prior art but not relied upon, ethnicity, nationality and physical disability fall within categories of demographic data as was well known and widely accepted in the art. Additionally, these types of personal profiles are within the scope of Haitsuka-Robinson-Kunzinger-Davis-Thomas's teachings (See Haitsuka, col. 5, line 23 – col. 6, line 17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated demographic data such as ethnicity, nationality and physical disability, as was well known in the art, into web page access monitoring system of Haitsuka-Robinson-Kunzinger-Davis-Thomas for the purpose enhancing the customization and personalization of data reach.

17. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection. The Applicant argues that the prior art of record fails to teach the various newly added limitations. The new grounds of rejection teaches these limitations.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


Art Unit: 2141

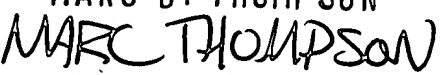
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Paul H Kang  
Examiner  
Art Unit 2141

MARC D. THOMPSON  
  
PRIMARY EXAMINER